

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-CR-20271-BB

UNITED STATES OF AMERICA,
Plaintiff,

v.

GARY COX
Defendant.

**MOTION TO WAIVE
APPEARANCE AT ARRAIGNMENT**

COMES NOW, GARY COX, by counsel and pursuant to Rule 10 of the Federal Rules of Criminal Procedure, respectfully moves for leave to waive his appearance at the arraignment of the Superseding Indictment scheduled for March 1, 2024, and states the following:

1. The original Indictment in this cause was filed on June 27, 2023.
2. Mr. Cox was arrested on July 25, 2023 and was released on August 9, 2024 on a stipulated \$10,000 Personal Surety Bond (DE 22). He has been at liberty on this bond since that date without incident.
3. On February 20, 2024, a Superseding Indictment was filed. (DE 76). The Arraignment on this Superseding Indictment is scheduled for March 1, 2024 at 10:00 A.M.
4. Mr. Cox resides in Phoenix, Arizona. In an effort to avoid the expense of travel from Arizona to Miami, he is respectfully requesting that he be permitted to waive his appearance at the Arraignment of the Superseding Indictment
5. Mr. Cox has received a copy of the Superseding Indictment, which he has reviewed with Counsel. Counsel intends to enter a plea of not guilty on behalf of Mr. Cox.

6. Rule 10 of the Rules of Criminal Procedure provides that a Defendant charged by an indictment need not be present for the arraignment if the Defendant has signed a written waiver that is also signed by counsel for the Defendant, and the Defendant affirms receiving a copy of the indictment and that his plea is not guilty. Fed.R.Crim.P. 10. The Rule further states that the Court must accept the Defendant's waiver in order for the waiver to be in effect. *Id.*

7. Mr. Cox has signed a Waiver of Appearance for Arraignment in which he affirms that he has received a copy of the Indictment and that he intends to plead not guilty to the charges in the Indictment. (See Waiver attached as Exhibit).

8. Mr. Cox waives his appearance at the arraignment willingly and voluntarily and after conferring with his Counsel.

WHEREFORE Gary Cox moves this Court to accept his waiver of personal appearance at the arraignment of the Superseding Indictment scheduled for March 1, 2024.

Respectfully submitted,

/S/ *Hector L. Flores*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was e-filed this 27th day of February, 2024, and was served to the parties in this case from that system.

/s/ *Hector L. Flores*
Hector L. Flores